

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION**

KANA BEASLEY,)	
)	
Plaintiff,)	
)	CASE NO. _____
v.)	
)	
NORTH AMERICAN LIGHTING,)	
INC.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

NOW COMES North American Lighting, Inc. (“Defendant” or “NAL”), through undersigned counsel, and hereby gives Notice of Removal of Case No. 20-DV-2020-900090 from the Circuit Court of Colbert County, Alabama to the United States District Court for the Northern District of Alabama.

Pursuant to 28 U.S.C. § 1446, NAL hereby invokes the jurisdiction of this Court under 28 U.S.C. § 1331, 1332 and 1441 and states the following grounds for removal:

1. On June 18, 2020, plaintiff Kana Beasley (“Plaintiff”), commenced a civil action against North American Lighting, Inc. by filing a Complaint in the Circuit Court of Colbert County, Alabama, Case No. 20-DV-2020-900090.

2. NAL was served with a copy of the State Court Complaint through its agent for service of process on June 24, 2020.

3. NAL has neither served nor filed any answer or responsive pleading to the State Court Complaint or made any appearance or argument before the Circuit Court of Colbert County, Alabama in this matter.

4. This Notice of Removal is timely filed with this Court pursuant to 28 U.S.C. § 1446(b) because it is being filed within thirty (30) days after receipt by NAL, through service or otherwise, of a copy of the State Court Complaint setting forth the claims for relief upon which this action is based.

5. Venue of this removal action is proper pursuant to 28 U.S.C. § 1441 inasmuch as the United States District Court for the Northern District of Alabama encompasses Colbert County, State of Alabama and the Circuit Court of Colbert County, Alabama, where the original state court action was filed.

6. In accordance with 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, documents, and orders which have been served upon NAL are attached hereto as Exhibit A.

7. This Court has original jurisdiction in this action pursuant to 28 U.S.C. § 1331 because Plaintiff bases her State Court Complaint upon alleged violations of the Family and Medical Leave Act, 29 U.S.C. § 2601, *et seq.* (“FMLA”).

8. Alternatively, this Court has diversity jurisdiction in this action pursuant to 28 U.S.C. § 1332 because the amount in controversy exceeds the sum or value of \$75,000, and diversity of citizenship exists.

9. This matter meets the amount in controversy threshold of \$75,000 as set forth in 28 U.S.C. § 1332 as Plaintiff seeks damages in excess of that threshold. Further, as evidenced in the Complaint attached hereto as Exhibit A and described below, complete diversity exists between the parties as required by 28 U.S.C. § 1332. Thus, diversity jurisdiction does exist.

10. As alleged in the Complaint, Plaintiff is a resident of Alabama. See Exhibit A (Complaint, at ¶ 3).

11. The corporate defendant (North American Lighting, Inc.) is diverse. As noted in the Complaint, NAL has its business headquarters in Illinois. See Exhibit A (Complaint, at ¶ 6).

12. Accordingly, removal is proper pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446.

13. NAL submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief may be granted.

14. Contemporaneously with this filing, NAL is also filing a Notification of Removal with the Circuit Court of Colbert County, Alabama as required by 28 U.S.C. §1446(d). A true and accurate copy of the Notification of Removal is attached hereto as Exhibit B.

15. There are no other defendants in this suit.

Respectfully submitted this 23rd day of July, 2020.

s/ Tammy L. Baker

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Attorney for Defendant
North American Lighting, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Travis A. McCormick, Esq.
The McCormick Firm, P.L.L.C.
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Birmingham, AL 35242

/s/ Tammy L. Baker

Counsel for Defendant